S.B.CRIMINAL MISC. BAIL APPLICATION NO.3699/2006

Date : 29.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Sandeep Shah for the applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that applicant No.3 Narpat Lal who is father of applicants No.1 and 2 Bal Kishan and Vijay Kumar, has sold the disputed shop to his sons and they thereafter rented it to one Pradeep Kumar and subsequently Pradeep Kumar when felt unable to pay the rent handed-over the possession of the same to the applicants. He submits that story put- forwarded by the complainant is not correct version and the applicants have been falsely involved in this case. However, he does not want to press the bail application of applicant No.1 and 2 and prays that proper order may be issued.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me.

Taking into consideration overall facts and circumstances of the present case, I deem it just and proper to grant anticipatory bail to applicant Narpat Lal. Accordingly, it is directed that in the event of arrest of applicant No.3 Narpat Lal son of Kishan by I.O./S.H.O. in FIR No.197/2006 P.S. Mahamandir, Jodhpr, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

Having considered the submission made before me, I deem it just and proper to issue following directions with regard to applicants No.1 Bal Kishan and No.2 Vijay Kumar.

(iv)The applicant No.1 Bal Kishan and No.2 Vijay Kumar shall surrender themselves before the Investigating Officer/SHO in FIR No.197/2006, Police Station Mahamandir, Jodhpur.

(v)The Investigating Officer, upon surrendering the accused applicants, shall produce them before the concerned Magistrate and the Magistrate, in case application is moved for bail on their behalf, shall decide the same on very same day in accordance with law.

The bail application of applicant No.1 and 2 stands dismissed as not pressed.

(SATYA PRAKASH PATHAK), J.

vijayant

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vijayant